

ESSB 5972 - H AMD 954

By Representative Hansen

ADOPTED 03/11/2014

1 On page 2, beginning on line 14, after "fire" strike all material
2 through "fire" on line 16 and insert ", to the extent permitted by
3 Washington law"

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5 On page 2, line 18, after "chapter;" strike "and"

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7 On page 2, beginning on line 23, after "opportunities" strike all
8 material through "property." on line 25 and insert "; and"

9 (d) In actions brought by an Indian tribe for recovery of damages
10 from injury to archaeological objects, archaeological sites, or
11 historic archaeological resources, damages as measured in accordance
12 with WAC 25-48-043 as it existed on the effective date of this
13 section."

EFFECT:

Changes the recoverable damages as follows:

- Eliminates the provision stating that damages for the reasonable costs of restoring the property may not exceed the difference in the fair market value of the damaged property immediately before and after the fire. Provides instead that damages are recoverable for the reasonable costs of restoring the property to the extent permitted by Washington law.
- Removes the provision stating that recovery for other monetary losses (such as out-of-pocket expenses, loss of earnings, and loss of use of property) must be established by evidence of pre-fire investments, income, expenses, or contracts specific to the damaged property.
- Provides that in the case of an action brought by an Indian tribe for recovery of damages from injury to archaeological objects,

archaeological sites, or historic archeological resources, recoverable damages include damages as measured in accordance with current rules of the Department of Archaeology and Historic Preservation for the recovery of site restoration costs and reasonable investigative costs when archaeological sites or objects or historic archaeological resources are unlawfully damaged.

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